United Nations CCPR/C/121/2

International Covenant on Civil and Political Rights

Distr.: General
8 February 2018

Original: English

Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

I. Introduction

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, and the Committee's evaluations and the decisions that it adopted during its 121st session. All the available information concerning the follow-up procedure used by the Committee since its 105th session, held in July 2012, is outlined in a table available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_UCS_121_26619_E.pdf.

Assessment of replies[1]

A	**Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.
B	**Reply/action partially satisfactory:** The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.
C	**Reply/action not satisfactory:** A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.
D	**No cooperation with the Committee:** No follow-up report has been received after the reminder(s).
E	**Information or measures taken are contrary to or reflect rejection of the recommendation**

* Adopted by the Committee at its 121st session (16 October–10 November 2017).

[1] The full assessment criteria are available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf.

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II. Assessment of follow-up information

States parties evaluated with a [D] grade for failure to cooperate with the Committee within the follow-up to concluding observations procedure

State party	*Concluding observations*	*Due date of follow-up report (number)*	*Reminders and related action*
No States parties qualified for a [D] grade at the time of adoption of the report.			

108th session (July 2013)

Ukraine

Concluding observations:	CCPR/C/UKR/CO/7, 23 July 2013
Follow-up paragraphs:	6, 10, 15 and 17
First reply:	CCPR/C/UKR/CO/7/Add.1, 19 June 2015
Committee's evaluation:	Additional information required on paragraphs 6**[C]**, 10**[B]**[**B**], 15**[C]**[**B**]**[B]**[**C**] and 17**[B]**[**B**]
Non-governmental organizations:	Human Rights House Foundation, 6 June 2016[2] Coalition of Human Rights Organizations, 4 July 2016[3]

Paragraph 6

The State party should reconsider its position in relation to Views adopted by the Committee under the First Optional Protocol. It should take all necessary measures to establish mechanisms and appropriate procedures, including the possibility of reopening cases, reducing prison sentences and granting ex gratia compensation, to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant, in accordance with article 2, paragraph 3, of the Covenant.

Summary of State party's reply

The State party highlights different provisions of the Criminal Procedure Code of 2012 and other laws relating to fundamental guarantees, fair trial and the right to redress.

Information from non-governmental organizations

Centre of Policy and Legal Reform and *Human Rights House Foundation*

A bill was submitted to the Parliament on 19 May 2015, proposing that relevant decisions of international organizations on the protection of human rights constitute grounds for the Supreme Court to review national judicial decisions.

The High Specialized Court of Ukraine for Civil and Criminal Cases has repeatedly rejected applications for review of cases, arguing that the Committee "is not a judicial body, while its decisions in their form and content are not adjudications and are not legally binding".

Committee's evaluation

[C]: The information provided by the State party is not relevant to the recommendation. The Committee notes, however, the submission to the Parliament on 19 May 2015 of a

[2] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/INT_CCPR_NGS_UKR_24405_E.pdf.

[3] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UKR/INT_CCPR_NGS_UKR_24422_E.pdf.

bill that would recognize decisions relating to human rights protection adopted by international organizations as grounds for review of national judicial decisions. It requires information on the progress of the bill in question, including clarification as to whether the Views adopted by the Committee under the First Optional Protocol would constitute grounds for review of national decisions, on the nature of the review by the Supreme Court and possible outcomes and on any other relevant measures aimed at implementing the recommendation of the Committee. The Committee reiterates its recommendation.

Paragraph 10

While acknowledging the diversity of morality and cultures internationally, the Committee recalls that all States parties are always subject to the principles of universality of human rights and non-discrimination. The State party shou'd therefore state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality, or hate speech, discrimination or violence against persons because of their sexual orientation or gender identity. The State party should provide effective protection to LGBT persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity. It should also take all necessary measures to guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT persons and defenders of their rights. The State party should also amend order No. 60 and other laws and regulations with a view to ensuring that: (1) the compulsory confinement of persons requiring a change (correction) of sex in a psychiatric institution for up to 45 days is replaced by a less invasive measure; (2) any medical treatment should be provided in the best interests of the individual with his/her consent, should be limited to those medical procedures that are strictly necessary, and should be adapted to his/her own wishes, specific medical needs and situation; (3) any abusive or disproportionate requirements for legal recognition of a gender reassignment are repealed. The Committee finally urges the State party not to permit the two draft bills "on propaganda of homosexuality" to become law.

Summary of State party's reply

The State party elaborates on its anti-discrimination legal framework, including article 24 of the Constitution, the Act amending certain legislative acts on preventing and combating discrimination (30 May 2014) and the Act on the principles of preventing and combating discrimination (4 October 2014). It highlights the definitions of prohibited forms of discrimination, the liability for violations and the remedies available to victims of discrimination, the amendment of article 60 of the Civil Procedure Code relating to the principle of sharing the burden of proof in discrimination cases, and the criminal responsibility for violation of the right to equal treatment on the grounds of race, ethnicity or religion under article 161 of the Criminal Code.

The Ministry of Health Order No. 60 of 3 February 2011 on the improvement of medical care for persons requiring a change or correction of sex will be amended to take into account the Committee's concerns.

The draft laws on the prohibition of propaganda aimed at children that promote homosexual relations (No. 1155) and on amendments regarding protection of children's rights in a safe information environment (No. 0945) have been withdrawn and will be given no further consideration.

Information from non-governmental organizations

No Borders Project and *Human Rights House Foundation*

Cases of discrimination, hate speech and violence against the lesbian, gay, bisexual and transgender community remain quite widespread and unaddressed due to the improper legal classification of these crimes, unwillingness and inability of law enforcement agencies to investigate them, and underreporting because of mistrust and fears of revictimization and disclosure of victims' sexual orientation.

Ministry of Health Order No. 60 of 3 February 2011 was still in effect, but provided for compulsory inpatient psychiatric examination for up to one month rather than 45 days.

Ukraine

The Action Plan on the Implementation of the National Strategy for Human Rights for the period until 2020 provides for the elaboration and approval, by 2018, of a new procedure for providing medical care to persons requiring change (correction) of sex that would clearly define medical and legal aspects. The creation of the working group to monitor the situation in the country and to study international practice in this regard was pending.

Draft law No. 1155 was withdrawn on 15 April 2014 and there were suggestions to also withdraw the draft law No. 0945.

As to positive steps, a law was adopted, on 12 November 2015, prohibiting discrimination at work, including on the grounds of gender identity and sexual orientation.

Committee's evaluation

[B]: The Committee appreciates the information provided on the anti-discrimination legal framework. It regrets, however, that the State party did not provide any concrete information on the implementation of the Committee's recommendation to combat hate speech, discrimination or violence against lesbian, gay, bisexual and transgender persons. Information is therefore required on measures taken to: (a) state clearly and officially that the State does not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality or hate speech, discrimination or violence against persons because of their sexual orientation or gender identity; (b) provide specific training to law enforcement officers, prosecutors and judges on how to deal with violence motivated by sexual orientation or gender identity; (c) investigate and sanction potential discrimination, hate speech and acts of violence motivated by a person's sexual orientation or gender identity. In this respect, please provide relevant statistics since 2014; (d) guarantee the freedom of expression and association of lesbian, gay, bisexual and transgender persons and defenders of their rights in practice.

[B]: The Committee welcomes the explicit prohibition of discrimination on the grounds of sexual orientation and gender identity in the workplace, which was introduced by the law adopted on 12 November 2015. It requires further information on the progress made in amending Ministry of Health Order No. 60 of 3 February 2011 on the improvement of medical care for persons requiring a change or correction of sex, including the content of any proposed or adopted regulations and their compatibility with the Covenant.

The Committee requires confirmation that the draft law No. 0945 has been withdrawn.

Paragraph 15

The State party should reinforce its measures to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly, and independently investigated, that perpetrators of acts of torture and ill-treatment are prosecuted in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including appropriate compensation. As a matter of priority, the State party should establish a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment. It should also amend its Criminal Procedure Code to provide for mandatory video recording of interrogations, and pursue its efforts towards equipping places of deprivation of liberty with video recording devices with a view to discouraging any use of torture or ill-treatment.

Summary of State party's reply

The State party refers to the prohibition of torture in article 28 of its Constitution and elaborates on the content of articles 127 (1) and 365 (1) of the Criminal Code, which provide for criminal liability for torture and abuse of power or official authority, respectively. It highlights the provisions of the Criminal Procedure Code on pretrial investigations, judicial control of detention, safeguards against unlawful and arbitrary detention and access to legal assistance, and describes the procedure for investigating allegations of use of force by law enforcement officials. The State party provides information on monitoring of penitentiary institutions by the Public Council set up by the State Prison Service, the national preventive mechanism and the Commission for State Policy on Criminal Enforcement.

Article 107 of the Criminal Procedure Code provides for the video recording of

interrogations and such decision is taken by the person responsible for the proceedings. Video recording is mandatory if requested by participants in the proceedings. A suspect or accused person has the right, subject to some exceptions, to use a technical device to record any proceedings in which he or she is involved (article 42 (3) (11) of the Criminal Procedure Code), and article 224 (5) of the Code also permits photographing or making audio or video recordings of proceedings.

No further amendments to the Criminal Procedure Code are necessary.

Information from non-governmental organizations

Ukrainian Helsinki Human Rights Union and *Human Rights House Foundation*

Torture and ill-treatment of persons deprived of liberty remains a systematic problem despite some progress in combating them. NGOs note some positive developments, including the Criminal Procedure Code of 2012; the police reform; a quite effective national preventive mechanism; the amendments to the Criminal Procedure Code concerning the legal status of convicts; and the National Human Rights Strategy of 25 August 2015, containing a plan of action on combating torture and ill-treatment.

The crime of torture is still classified in the majority of cases as abuse of power or official position (article 364 of the Criminal Code), abuse of power or authority by a law enforcement officer (art. 365) or coercion to testify (art. 373). Article 127 (Torture) of the Criminal Code does not provide for direct responsibility of officials for torture and, as a rule, this article is not applied as a corroborate classification. Torture also remains a crime of medium gravity punishable under article 127 with imprisonment of up to five years; in practice such a sanction translates into two to three years of imprisonment or often a conditional sentence. The existence of several articles that contain similar elements of the crime promotes ambiguity in interpretation, classification and punishment of torture and ill-treatment.

Investigations into complaints of ill-treatment are not prompt, independent and effective. The Law on the State Bureau of Investigation of 12 November 2015 provides for the establishment of an independent investigation mechanism for cases of torture and ill-treatment by 20 November 2017, but this process has been delayed and repeatedly postponed.

Video recording of interrogations is possible under the Criminal Procedure Code, but is not mandatory. The person interrogated is not entitled to request a copy. The adoption of regulations on the use of means of surveillance and control in places of detention is provided for in the Action Plan on implementation of the National Human Rights Strategy for the period until 2020. Prison or detention facilities were mainly not equipped with video surveillance systems.

Committee's evaluation

[C]: The Committee notes the information provided by both the State party and the NGOs, but regrets that the State party has not provided specific information in response to the Committee's concern and recommendation relating to the investigation and prosecution of torture and ill-treatment, in practice, and to remedies provided to victims. The Committee therefore requires specific information on measures taken to ensure that acts of torture and ill-treatment are promptly, thoroughly and independently investigated, that perpetrators are prosecuted under the appropriate criminal provisions and are sanctioned in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including appropriate compensation.

[B]: The Committee notes the positive developments in combating torture and ill-treatment. However, it requires information on the implementation of the plan of action on combating torture and ill-treatment that is part of the National Human Rights Strategy of 25 August 2015, including the development of a bill abolishing statutes of limitations for torture, the introduction of a mechanism for separate statistical reporting of torture crimes and their mandatory publication.

[B]: The Committee notes the time limit of 20 November 2017 for the establishment of an independent investigation mechanism for cases of torture and ill-treatment, as set out in the Law on the State Bureau of Investigation of 12 November 2015, and requires

information on progress made in that regard.

[C]: The Committee notes that the recording of interrogations is still not mandatory under the criminal procedure legislation and regrets the State party's statement that no amendments to its legislation are necessary in that regard. It also regrets the lack of information on efforts to equip places of deprivation of liberty with video recording equipment. The Committee requires information on the adoption of regulations on the use of means of surveillance and control in places of detention, as provided for in the Action Plan on implementation of the National Human Rights Strategy for the period until 2020. The Committee reiterates its recommendation.

Paragraph 17

The State party should ensure that judges are not subjected to any form of political influence in their decision-making and that the process of judicial administration is transparent. The State party should adopt a law providing for clear procedures and objective criteria for the promotion, suspension and dismissal of judges. It should ensure that prosecuting authorities are not involved in deciding on disciplinary actions against judges and that judicial disciplinary bodies are neither controlled by the executive branch nor affected by any political influence. The State party should ensure that prosecutions under article 365 of the Criminal Code fully comply with the requirements of the Covenant.

Summary of State party's reply

The Right to a Fair Trial Act was adopted on 12 February 2015 and aimed at establishing transparent and objective procedures for the appointment and dismissal of judges. It sets out precise grounds for judges' responsibility and various disciplinary proceedings, a different composition of the High Judicial Qualification Commission and the High Council of Justice and guarantees access to justice, including direct appeals to the Supreme Court.

The Act was referred to the Venice Commission for comments. The joint opinion of the Venice Commission and the Human Rights Directorate of the Council of Europe on the Judicial System and Status of Judges Act and on amendments to the High Council of Justice Act notes that constitutional provisions contain more serious problems affecting the independence of the judiciary than the Acts in question and the amendments to the Constitution are required to bring the judicial system into line with European standards. In particular, the Verkhovna Rada should not be involved in the appointment of judges for an indefinite term nor in their dismissal; the composition of the High Council of Justice should be changed to ensure that a substantial part, if not the majority, of its members are judges elected by their peers; the role of the Verkhovna Rada in lifting the immunities of judges should be eliminated; and the powers of the President to establish and abolish courts must be removed.

The criminal case opened under article 365 (3) of the Criminal Code against the former Prime Minister, Yulia Timoshenko, was closed by the Supreme Court on 14 April 2014 for absence of a crime. Article 365 of the Criminal Code has been amended to address the concerns raised by the Committee (Act No. 746-VII of 21 February 2014 brings legislation into line with article 19 of the United Nations Convention against Corruption).

Information from non-governmental organizations

Centre of Policy and Legal Reform and *Human Rights House Foundation*

The Right to a Fair Trial Act of 12 February 2015 contains a number of positive provisions, including a competitive procedure for the selection of judges and members of the High Council of Justice and the High Qualification Commission of Judges; direct appeals against judgments of higher courts to the Supreme Court and expansion of grounds for such appeals; implementation of a system for regular evaluation of judges by various actors; and introduction of six disciplinary penalties instead of two. However, the main drawback of the law is the preservation of political influence on judges: final decisions on appointment, career and dismissal of judges remain under the control of the President and the Parliament.

Ukraine

The independence of judges is negatively impacted by the absence of specific criteria for their evaluation when deciding on career promotion. Provisions making judges dependent on local authorities (State service accommodation) and the Security Service (surcharge for access to State secrets) have also been retained.

A bill amending the Constitution was submitted to the Parliament on 25 November 2015. It introduces a number of European standards regarding the permanent appointment of judges, including the removal of the Parliament's power to appoint and dismiss judges; a High Council of Justice made up mostly of judges; and restriction of judicial immunity to functional immunity. The bill still contains certain problematic provisions, such as a political mechanism for appointing and dismissing the General Prosecutor. The comments by the Venice Commission were addressed to a large extent in the final draft. The bill received the preliminary approval of the Parliament on 2 February 2016.

The Criminal Procedure Code adopted in 2012 decreases the risk of recurrence of political bias. The new Act on the Prosecution Service, approved on 14 October 2014, has not yet fully entered into force, resulting in an incomplete reform of the prosecuting authorities; therefore judges continue to be subject to political influence.

The former Prime Minister, Yulia Timoshenko, was released based on the resolution of the Verkhovna Rada of 22 February 2014. The problem of selective, politically motivated prosecution is still relevant for the criminal justice system.

Committee's evaluation

[B]: The Committee appreciates the measures taken to ensure the independence of the judiciary, including the efforts to amend the Constitution and the adoption of the Act on the Prosecution Service and of the Right to a Fair Trial Act on 14 October 2014 and 12 February 2015, respectively. It requires additional information on the content of those provisions and their implementation, and on the extent to which political interference with the judiciary is eliminated and appointment, promotion, suspension and dismissal of judges is governed by clear and objective criteria.

[B]: The Committee welcomes the closure of the criminal case against the former Prime Minister, Yulia Timoshenko, but requires additional information on the amendments to article 365 of the Criminal Code introduced by the Act No. 746-VII of 21 February 2014, and on any other efforts to prevent politically motivated prosecutions.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 26 July 2018

111th session (July 2014)

Malawi

Concluding observations:	CCPR/C/MWI/CO/1/Add.1, 23 July 2014
Follow-up paragraphs:	12, 13, 24 and 25
First reply:	CCPR/C/MWI/CO/1/Add.2,18 November 2016
Committee's evaluation:	Additional information required on paragraphs 12**[B]**, 13**[C]**[**C**], 24**[C]**[**C**] and 25**[C]**

Paragraph 12: Extrajudicial killings

The State party should prosecute all alleged perpetrators of extrajudicial killings, complete expeditiously any process that has already been initiated, punish those who are convicted, and protect, rehabilitate and compensate the victims.

Summary of State party's reply

Police completed investigations into the excessive use of force during the nationwide protests in July 2011. Nine police officers were charged with homicide-related offences: criminal cases in relation to four officers are before the courts, while the rest of the suspects' files are with the office of the Director of Public Prosecutions for prosecution.

The Attorney General's office is in the process of establishing mechanisms to ensure that the real victims receive compensation.

Committee's evaluation

[B]: The Committee notes the information provided, but requires additional information on: (a) the outcome of court proceedings against the four police officers charged with homicide-related offences, including any convictions secured and the specific punishment imposed; (b) the prosecution status of the remaining cases referred to the Director of Public Prosecutions; (c) progress made by the Attorney General's office in ensuring that the victims' families are provided with compensation and rehabilitation, including, if applicable, the amount of compensation paid and the rehabilitation services offered. The Committee also requires information on investigations, prosecutions and convictions regarding cases of extrajudicial killings other than those committed during the demonstrations in July 2011.

Paragraph 13: Prohibition of torture

The State party should:

(a) **Establish expeditiously the independent Police Complaints Commission and allocate adequate human and financial resources to it;**

(b) **Establish a central system to keep track of all complaints and make them publicly accessible;**

(c) **Investigate all cases of torture, prosecute the alleged perpetrators and compensate the victims;**

(d) **Ensure that the Police Act complies with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and strengthen its efforts to train police officers in human rights.**

Summary of State party's reply

(a) In September 2015, two expatriates started the consultation process with key stakeholders for the establishment of the Independent Police Complaints Commission (IPCC);

(b) and (c) The IPCC will be an independent body responsible for receiving and investigating complaints against police officers, including death or injury as a result of police action and those occurred in police custody. Pending the establishment of the IPCC, enquiries into serious acts of police misconduct have been carried out by the Professional Standards Unit (PSU) within the police. Some culprits were either prosecuted or face disciplinary actions, including dismissal. Reports of the PSU may be accessible to the public in accordance with relevant regulations on access to information;

(d) Under section 44 of the Police Act, firearms may be used against a person in lawful custody who is charged with or convicted of a felony and is escaping or attempting to escape; or any person who by force rescues or attempts to rescue a person from lawful custody, or by force prevents the arrest of himself or another person. In all such cases, a warning is first given that a firearm is about to be used, and resort to the use of a firearm is the last option after other alternatives have been explored. Use of firearms is for the purposes of disabling and not killing.

Section 105 (4) of the Police Act provides for the use of force or firearm during riots, assemblies or demonstrations against a person who: kills or seriously injures or attempts to do so; shows a manifest intention of killing or injuring another person; or destroys and seriously damages or attempts to do so or shows a manifest intention to destroy any

property considered valuable. The degree of force used is for purposes of preventing such actions from taking place. A firearm or other weapon may be used in such cases.

The State party considers that the provisions of the Police Act do not contradict the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The training for police uses the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as part of the syllabus. These principles are taught at the basic police training at the recruitment stage and for cadet courses.

Committee's evaluation

[C] (a), (b) and (c): The Committee regrets the considerable delay in establishing the Independent Police Complaints Commission (IPCC), and requires information on the progress made in this respect on the composition of the commission and the authority it would report to; and on measures taken to ensure its independence from the police and to provide it with adequate human and financial resources to enable it to operate effectively. Pending the establishment of the IPCC, the Committee requires clarification on how the investigations into allegations of torture and ill-treatment by the Professional Standards Unit within the police meet the requirements of independence and impartiality.

The Committee regrets that no information was provided on whether a central system to keep track of all complaints of torture and ill-treatment has been established and on whether such information is publicly accessible and/or provided upon request only. The Committee reiterates its recommendation.

[C] (d): The Committee appreciates the information on the provisions of the Police Act regulating the use of firearms, but requires clarification as to how such use, for the purposes of preventing a person charged with or convicted of felony pursuant to section 44 of the Police Act from fleeing and protecting property considered valuable under section 105 (4) of the Police Act where there is no threat to life, complies with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which limit the lawful use of firearms to circumstances of extreme necessity in order to respond to an imminent threat of death or serious injury or to prevent a particularly serious crime that involves a grave threat to life.

Paragraph 24: Sexual abuse of children

The State party should:

(a) **Amend the Penal Code so as to criminalize all forms of sexual abuse of children regardless of the sex of the child;**

(b) **Ensure that all perpetrators are brought to justice and the cases are not unduly withdrawn, and rehabilitate and compensate the victims;**

(c) **Ensure, in law and practice, that the "corroboration rule", according to which the testimony of a witness is required, is not applied in such a way as to produce impunity when adjudicating sexual violence cases.**

Summary of State party's reply

(b) No case is withdrawn solely by the State unless for insufficient evidence. In general, cases may be withdrawn upon the victim's request, and the presiding court has the power to refuse or grant the request. Police officers are trained to question the reasons for any such withdrawals so as to avoid undue influence.

The victim support unit plays an important role in the rehabilitation of victims and provides basic counselling services. Advance counselling is offered by the social welfare unit under the Ministry of Gender or the One-Stop centre (in Blantyre). NGOs also play a crucial role in this respect.

Committee's evaluation

[C] (a) and (c): The Committee regrets that the State party did not provide any information regarding steps taken to criminalize all forms of sexual abuse of children, regardless of the sex of the child, and to ensure that the "corroboration rule" requiring a

Malawi

witness testimony is not applied in such a way as to result in impunity when adjudicating cases of sexual violence. The Committee reiterates its recommendations.

[C] (b): The Committee notes the information provided, but requires more specific information on the measures taken since the adoption of its concluding observations to bring all perpetrators of all forms of sexual abuse of children to justice. It also requires information on compensation and concrete rehabilitation services offered to victims, in practice. The Committee reiterates its recommendations.

Paragraph 25: Forced and child marriages

The State party should:

(a) **Expedite the adoption of the Marriage, Divorce and Family Relations Bill and ensure that it explicitly criminalizes forced and child marriages and sets the minimum age of marriage in accordance with international standards;**

(b) **Provide training to relevant stakeholders and conduct awareness-raising campaigns aiming to prevent forced and child marriages;**

(c) **Prosecute alleged perpetrators, punish those convicted and compensate the victims.**

Summary of State party's reply

No information provided.

Committee's evaluation

[C]: The Committee regrets that the State party did not provide any information on the implementation of its recommendation on forced and child marriages. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 31 July 2018

114th session (July 2015)

France

Concluding observations:	CCPR/C/FRA/CO/5, 21 July 2015
Follow-up paragraphs:	11, 12 and 16
First reply:	CCPR/C/FRA/CO/5/Add.1, 19 July 2016
Committee's evaluation:	Additional information required on paragraphs 11**[B]**, 12**[B][B][B]** and 16**[B]**

Paragraph 11: Post-sentence preventive detention

The State party should reconsider the practice of placing persons who have received criminal sentences in post-sentence preventive detention after they have served their sentences owing to their "dangerousness", in the light of its obligations under articles 9, 14 and 15 of the Covenant.

Summary of State party's reply

Post-sentence preventive detention was established by Act No. 2008-174 of 25 February 2008 and is described by the State party as a genuine security measure. It consists of placing an individual who has completed his or her sentence in a social-medical-judicial

security centre, where he or she is offered ongoing medical, social and psychological care with a view to eventually lifting the measure. The regional post-sentence preventive detention court, an ad hoc court, can order and implement the measure in two instances:

(a) for offences committed after the measure came into force, if the assize court expressly provided for such a possibility in its original judgment; the State party reiterates the information provided in its report (CCPR/C/FRA/5, para. 230) regarding the cumulative conditions for ordering post-sentence preventive detention set out in the Code of Criminal Procedure;

(b) for offences committed before the measure came into force, if a particularly dangerous convicted person violates the terms of a preventive surveillance measure and is highly likely to commit one of the offences targeted by the measure. In urgent cases, the individual may be placed provisionally in a security centre; that placement must then be upheld by the regional post-sentence preventive detention court, after an opinion has been given by the multidisciplinary commission for preventive measures.

In either case, post-sentence preventive detention is ordered for a term of one year and is renewable if the convicted person remains dangerous.

Only seven assize court decisions have provided for the re-examination of a convicted person's situation on completion of his or her sentence. Only five individuals have been provisionally placed in post-sentence preventive detention after violating the terms of preventive surveillance measures. The detention was upheld by the regional post-sentence preventive detention court in only one case, although the individual concerned was placed back under preventive surveillance following several appeals and proceedings.

Post-sentence preventive detention is the subject of national debate, as evidenced by: (a) the unfavourable opinions issued by the Inspector General of Places of Deprivation of Liberty on 5 November 2015 and by the National Consultative Commission for Human Rights on 27 March 2014; and (b) the unfavourable report submitted to the Minister of Justice in December 2015 by the commission established to review the law on criminal sanctions. In the report, which was made public, the commission notes the imprecise nature of the measure, questions its compatibility with the European Convention on Human Rights and stresses that other measures exist that, once redefined, could replace post-sentence preventive detention.

The conclusions of the report will be considered carefully by the Ministry of Justice. The proposals contained in the report form part of a wider debate on the updating of the classification of penalties and preventive measures, which requires an analysis of the system as a whole.

Committee's evaluation

[B]: The Committee notes the national debate surrounding the continued use of post-sentence preventive detention, in particular the report issued in December 2015 by the commission established to review the law on criminal sanctions. It requests further information on the follow-up by the Ministry of Justice to the opinions of various national institutions recommending the abolition of post-sentence preventive detention, in particular in cases where post-sentence preventive detention is imposed in the absence of a connection to any ruling or initial sentence.

Paragraph 12: Surveillance activities

The State party should take all necessary steps to guarantee that its surveillance activities within and outside its territory are in conformity with its obligations under the Covenant, in particular article 17. Specifically, measures should be taken to guarantee that any interference in persons' private lives should be in conformity with the principles of legality, proportionality and necessity. The State party should ensure that the collection and use of data on communications take place on the basis of specific and legitimate objectives and that the exact circumstances in which such interference may be authorized and the categories of persons likely to be placed under surveillance are set out in detail. It should also ensure the effectiveness and independence of a monitoring system for surveillance activities, in particular by making provision for the judiciary to take part in the authorization and monitoring of surveillance measures.

France

Summary of State party's reply

The Act of 24 July 2015 on intelligence and the Act of 30 November 2015 on the surveillance of international electronic communications, the key provisions of which have been upheld by the Constitutional Council, have two main aims: to better regulate the activities of the intelligence services; and to protect French citizens.

The State party outlines the guarantees in place, and describes the purposes of intelligence-gathering, the intelligence-gathering techniques used, the implementation of those techniques, the dual monitoring roles of the National Commission for the Control of Intelligence Techniques and the other mechanisms in place for the oversight of intelligence-gathering techniques.

Guarantees: Under article L. 801-1 of the Internal Security Code, intelligence-gathering techniques are subject to certain basic prerequisites such as respect for private life, including the secrecy of correspondence, the protection of personal data and the inviolability of the home. These principles may only be curtailed where necessary for reasons of public interest, as defined by law and with due regard to the principle of proportionality. Under the same article, authorization and implementation of intelligence-gathering techniques must be decided upon by a competent authority; be the result of proceedings that comply with the relevant legal provisions; correspond to the missions entrusted to the intelligence services; be justified by the threats, risks and challenges posed to the fundamental interests of the nation and defined by law; and be proportional to the stated aims.

Purposes: The purposes that may justify the use of intelligence-gathering techniques are precisely defined in article L. 811-3 of the Internal Security Code. They relate to the defence and promotion of the fundamental interests of the nation. The State party asserts that the provisions of that article meet the predictability requirement set forth in article 17 of the Covenant and the Committee's general comment No. 16 (1988) on the right to privacy.

Legal definition of intelligence-gathering techniques: The following intelligence-gathering techniques are permitted: administrative access to connection data; the interception of correspondence sent electronically; the sound wiring of certain locations and vehicles and the capturing of electronic images and data; and the surveillance of international electronic communications. In counter-terrorism operations, the automated analysis of connection data, which preserves the anonymity of users and does not enable the content of messages to be monitored, may be authorized by the Prime Minister. If the data captured points to the existence of a terrorist threat, the Prime Minister may, after receiving a further opinion from the National Commission for the Control of Intelligence Techniques, authorize the identification of the person or persons concerned and the gathering of corresponding data.

Implementation of intelligence-gathering techniques: The implementation of intelligence-gathering techniques is subject to prior authorization by the Prime Minister following the release of an opinion from the National Commission for the Control of Intelligence Techniques, which is an independent administrative authority. The Commission's independence is demonstrated by its composition, the establishment of the criminal offence of obstructing its work and the creation of a whistle-blower mechanism. By law, any official who, in the course of his or her duties, learns of facts likely to constitute a manifest violation of the legislative provisions relating to intelligence may make them known to the Commission without fear of punishment. The Commission may then refer the matter to the Council of State and inform the Prime Minister. The State party states that the Commission has more human and financial resources than its predecessor, the National Commission for the Control of Security Interceptions.

Dual monitoring roles of the National Commission for the Control of Intelligence Techniques: One of the Commission's roles is to verify the need for the requested measures and their proportionality with regard to respect for private life. In cases involving entry to a place of residence or relating to a person, whether of French or foreign nationality, working in a "protected profession" (namely, members of Parliament, judges, lawyers and journalists), the Commission meets in plenary session before issuing an opinion and ensures that only data relating to the authorized objective are processed and that data relating to the person's profession are removed and destroyed. When an

intelligence technique requiring entry into a private residence is authorized after an unfavourable opinion has been received from the Commission, the matter is immediately referred to the Council of State. Except in counter-terrorism cases, authorized measures may not be implemented without an opinion from the Council of State, which sits in a special or restricted session and rules on the matter within 24 hours. The State party asserts that, as declared by the Constitutional Council, these measures are a matter for the administrative police and that, as such, they need not be subjected to the control of the judicial authorities; responsibility for them lies with the executive alone, which must respect the principles of legality, proportionality and necessity. Between its establishment on 3 October 2015 and the beginning of February 2016, the Commission issued close to 4,400 opinions. All of the Commission's unfavourable opinions have been respected by the Prime Minister.

The Commission's other role is to monitor the implementation of the techniques authorized by the Prime Minister and the data collected. To that end, the Commission has direct, ongoing and full access to all operations and may request all the information necessary for its tasks. It may submit recommendations in connection with the actions of public authorities. The Prime Minister must respond to those recommendations and report any corrective action he or she has taken.

Other mechanisms in place for the oversight of intelligence-gathering techniques: The law provides for judicial review by the Council of State. The Council, sitting as a specialized body responsible for such matters, rules on appeals against decisions relating to the authorization of intelligence-gathering techniques, the storage of the intelligence gathered and access to the data. Although its powers are adjusted for reasons of military secrecy, it carries out a full and unrestricted review of the legality, validity and proportionality of the measures and possesses the same powers as a court of full jurisdiction. The Parliamentary Delegation for Intelligence, which was established by the Military Planning Act of 18 December 2013 and which has the power to convene hearings and consult documents, exercises parliamentary oversight over the Government's intelligence activities and evaluates related public policy.

Committee's evaluation

The Committee thanks the State party and notes the detailed information provided on the Act of 24 July 2015 and the Act of 30 November 2015.

[B]: In connection with the principles of legality, proportionality and necessity, the Committee requests further information on the measures taken to: (a) guarantee the strict interpretation, in conformity with the principles of legality, proportionality and necessity, of the grounds for interference set forth in article L. 811-3 of the Internal Security Code; and (b) define the categories of persons likely to be placed under surveillance and the precise circumstances in which the provisions of article L. 811-3 of the Internal Security Code are implemented, including the maximum duration of surveillance measures, in order to guard against the risk of abuse by the executive in the use of intelligence-gathering techniques.

[B]: In connection with the collection and use of data, the Committee requests further information on: (a) the use, in practice, of data collection, including the exact number of individuals who have been the targets of surveillance measures and for how long, and the methods most frequently employed; (b) the procedures employed for the use and storage of data collected as part of the automated analysis of connection data in counter-terrorism operations; and (c) the measures in place to ensure that authorized intelligence-gathering techniques do not allow for de facto mass surveillance.

[B]: In connection with the monitoring of surveillance activities, the Committee requests further information on: (a) the measures taken to ensure that the general public is aware of the existence of the National Commission for the Control of Intelligence Techniques and that the Commission has sufficient resources to carry out its duties; (b) the potential for authorities other than the Prime Minister to request opinions from the Commission; (c) the total number of opinions received by the Commission and the number of unfavourable opinions issued; and (d) the duty to inform individuals that they have been placed under surveillance, and access, in practice, to effective remedies in the event of abuse.

France

Paragraph 16: Sexual abuse in the Central African Republic

The State party should ensure that the allegations of sexual abuse committed against children in the Central African Republic by French soldiers are effectively investigated as soon as possible and that the perpetrators are brought to justice.

Summary of State party's reply

The State party affirms its willingness to cooperate with the United Nations and the Central African Republic. The case was referred to the courts on 29 July 2014, as soon as the French authorities became aware of the allegations. The State prosecutor opened a preliminary investigation and investigators arrived in the Central African Republic on 1 August 2014. Criminal proceedings were initiated on 7 May 2015 against a person or persons on charges of rape and complicity in rape of minors by a person abusing the authority of his or her position. The judge responsible for the inquiry travelled to the Central African Republic in July 2015 to hear the victims' testimonies. The Chief of Staff of the Armed Forces also undertook a command investigation, which was added to the investigation file.

The judicial investigation is subject to the secrecy of inquiry proceedings; the State party nevertheless stresses that if the facts are proven, the President of the Republic is committed to imposing exemplary disciplinary sanctions in addition to the response of the criminal justice system, which is solely the responsibility of the judicial authorities. The children who reported the incidents were placed under the protection of the United Nations Children's Fund (UNICEF).

The State party reports that new information has been brought to its attention: (a) on 4 September 2015, the Ministry of Defence notified the State prosecutor of a case of alleged sexual abuse of a girl from the Central African Republic by a French solider participating in Operation Sangaris; and (b) on 1 April 2016, following reports from the Office of the United Nations High Commissioner for Human Rights, a preliminary investigation was opened by the public prosecutor's office in Paris and entrusted to the command of the Gendarmerie prévôtale (military judicial police).

French soldiers deployed on operations, including peacekeeping operations, must not have criminal convictions or have received disciplinary sanctions and are given training which includes a module on zero tolerance for sexual exploitation and abuse. During the operation, they are regularly reminded of their duties. Operational legal advisers who are deployed receive specific training in international human rights law, international humanitarian law and international criminal law, certified by examination.

Committee's evaluation

[B]: The Committee acknowledges with appreciation the State party's willingness to cooperate with the United Nations and the Central African Republic and the information provided on the investigations undertaken. It nevertheless requests information on: (a) the expected time frame for the conclusion of the investigations and the provisional measures imposed in the interim on those individuals suspected of involvement; (b) the status of the investigations and any sentences, punishments and disciplinary measures imposed on those found responsible; and (c) the measures of redress that have been made available to the victims.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 24 July 2020

The former Yugoslav Republic of Macedonia

Concluding observations: CCPR/C/MKD/CO/3, 20 July 2015

Follow-up paragraphs: 15, 16 and 23

The former Yugoslav Republic of Macedonia

First reply:[4]	30 August 2016
Committee's evaluation:	Additional information required on paragraphs 15**[B]**[**C**], 16**[B]** and 23**[C]**[**B**]

Paragraph 15: Trafficking in human beings

The State party should take measures to combat trafficking in persons, systematically and vigorously investigate and prosecute perpetrators and ensure that, when convicted, they are adequately sanctioned. The State party should intensify its efforts to guarantee adequate protection, reparation and compensation to victims, including rehabilitation.

Summary of State party's reply

In 2015, 3 victims (1 adult and 2 children) and 11 potential victims (all female) of human trafficking were identified; 120 criminal charges were laid for 142 offences under article 418 (b) of the Criminal Code, involving smuggling of migrants committed by 212 perpetrators — an increase of 33 per cent compared to 2014; the Basic Court Skopje 1 initiated 161 cases relating to human trafficking against 201 defendants; 175 defendants (including in cases initiated in previous years) received prison sentences (for full statistics, see table in the first reply of 30 August 2016, p. 2); an employee of the Ministry of the Interior was also sentenced to four years' imprisonment.

In 2016, one person was charged with trafficking in children under article 418 (d) of the Criminal Code; and the authorities identified three minor migrants as potential victims of trafficking.

In 2015 and 2016, the State party adopted standard operating procedures for the identification of unaccompanied children and for dealing with vulnerable foreigners; and indicators for identifying victims of human trafficking in mixed migratory movements.

Continuous training on prevention of trafficking and the use of existing and new standard operating procedures was provided. Basic and specialized training was conducted in 2015 for police officers on identification and referral of potential victims of trafficking, as well as specialized training for 180 members of the Border Police.

The National Commission for Combating Human Trafficking and Illegal Migration adopted the Plan for inter-institutional training on the fight against human trafficking and illegal migration for 2016–2017. In 2016, training was organized for 180 members of the Border Police on "Dealing with illegal migration" and covered, inter alia, identification of unaccompanied minors and vulnerable people, including victims of trafficking.

A new draft National Strategy for Combating Human Trafficking and Illegal Migration, combined with an Action Plan for the 2017–2020 period, will address recommendations made by the European Union and international organizations and will place special emphasis on increasing efforts to provide adequate protection to victims.

Committee's evaluation

[B]: The Committee appreciates the information provided, including the statistics on the prosecution of crimes relating to human trafficking and the specialized training provided to the police, including the Border Police. It, however, requires updated information on: (a) the status of the draft National Strategy for Combating Human Trafficking and Illegal Migration, its implementation in practice and any interim results achieved thus far; and (b) the progress made in identifying victims of trafficking and bringing perpetrators to justice.

[C]: The Committee regrets the lack of information on adequate protection and reparation, including compensation and rehabilitation, guaranteed to victims of trafficking, and requires specific information in that regard. The Committee reiterates its recommendation.

[4] See http://tbinternet.ohchr.org/Treaties/CCPR/Shared Documents/MKD/INT_CCPR_FCO_MKD_25047_E.pdf.

Paragraph 16: Freedom of movement

The State party should take measures to ensure that the right to freedom of movement in the State party is fully respected, in compliance with article 12 of the Covenant.

Summary of State party's reply

The Law on Border Control applies to all persons crossing the State border. Article 8 (3) of the law prohibits discrimination based, inter alia, on racial or ethnic origin, skin colour, social background, economic and social condition.

The right to equality and freedom of movement are guaranteed by the Constitution. Persons intending to leave the country need to respect the conditions of entry and the freedom of movement within the territory of European Union member States, as defined in article 17 (1) of the Treaty, the Schengen Borders Code, and European Parliament and Council Directive 2004/38/EC of 29 April 2004. Article 5 of the Schengen Borders Code requires not only a valid biometric passport for travel but also other conditions must be met and additional documents justifying the purpose of travel and stay in the European Union member States are required.

There is no exit ban as such; however, nationals not having the documentation required under the Agreement on visa liberalization are informed accordingly and advised that they may leave the country once in possession of all the necessary documents. The Ministry of the Interior acts upon complaints of police misconduct, investigates those complaints without discrimination and provides timely responses to complainants.

The Ministry of the Interior conducted preventive activities aimed at explaining to the public the consequences of submitting unfounded asylum requests in Western countries. It also seeks to raise awareness about respect for human rights among police officers.

Committee's evaluation

[B]: The Committee notes the information provided but regrets that it does not fully address its concerns. It requires specific information on: (a) whether border management policies and practices aimed at preventing "potential" asylum seekers from leaving the country are still in effect, and their conformity with the Covenant, including with articles 2, 12 and 26; and (b) the State party's response to allegations of discriminatory targeting and ethnic profiling of Roma people that unduly limit their freedom of movement.

Paragraph 23: Mass surveillance of communications

The State party should take all measures necessary to ensure that its surveillance activities conform to its obligations under the Covenant, including article 17. In particular, measures should be taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity. It should also ensure that persons who are unlawfully monitored are systematically informed thereof and have access to adequate remedies.

Summary of State party's reply

The Law on the Public Prosecutor's Office for prosecuting offences related to and arising from the content of illegal interception of communications was adopted on 15 September 2015. It defines "unauthorized interception of communications" as the unauthorized interception of all communications made between 2008 and 2015, including but not limited to audio recordings and transcripts submitted to the Public Prosecutor's Office before 15 July 2015.

The specialized Public Prosecutor was elected on 15 September 2015, and is assisted by 12 public prosecutors. The Public Prosecutor submitted a report to the Assembly on the activities undertaken in the first six months of the mandate (from 15 September 2015 to 15 March 2016) and initiated investigative and preliminary proceedings concerning unauthorized interception of communications.

Committee's evaluation

[C]: No information has been received on measures taken to ensure that any interference

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with the right to privacy complies with the principles of legality, proportionality and necessity and that persons who are unlawfully monitored are systematically informed thereof and have access to adequate remedies. The Committee reiterates its recommendation.

[B]: The Committee welcomes the establishment by statute of the Public Prosecutor's Office for the prosecution of offences relating to and arising from the content of illegal interception of communication. However, it requires additional information on the activities of the office to date, including the progress made in investigating the reported cases of unauthorized interception of communications.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 24 July 2020

Uzbekistan

Concluding observations:	CCPR/C/UZB/CO/4, 20 July 2015
Follow-up paragraphs:	11, 13 and 19
First reply:	CCPR/C/UZB/CO/4/Add.2, 7 September 2016
Committee's evaluation:	Additional information required on paragraphs 11**[B]**|**[C]**, 13**[E]**|**[E]** and 19**[B]**|**[C]**

Paragraph 11: State of emergency and counter-terrorism

The State party should expedite the adoption of a law governing states of emergency and ensure its full compliance with the requirements of article 4 of the Covenant, as interpreted in the Committee's general comment No. 29. It should take all measures necessary to ensure that its counter-terrorism legislation and practices are in full conformity with its obligations under the Covenant, inter alia by:

(a) **Amending its overly broad definition of terrorism and terrorist activities;**

(b) **Ensuring that persons suspected of, or charged with, terrorism or a related crime are provided in practice with all legal safeguards and that any restrictions on their rights are not arbitrary, are lawful, necessary and proportionate and subject to effective judicial oversight.**

Summary of State party's reply

The State party elaborates on the measures taken to adopt a law governing states of emergency and informs the Committee that a bill is being prepared for submission to the Ministry of Justice.

The counter-terrorism legal framework, including the Counter-Terrorism Act of 15 December 2000 and the Criminal Code of 22 September 1994, is fully functioning and continuously evolving. Terrorism is clearly defined in article 2 of the Counter-Terrorism Act and liability for terrorism-related crimes is provided for in article 155 of the Criminal Code. The State party reiterates the text of article 155 (see CCPR/C/UZB/4, paras. 705–707) and the Covenant rights guaranteed to persons who have committed acts of terrorism (see CCPR/C/UZB/Q/4/Add.1, paras. 55–56).

Committee's evaluation

[B]: The Committee notes that a bill on states of emergency is under preparation and requires information on the status and content of the bill, including clarification on whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited, and on whether it complies fully with article 4 of the Covenant.

Uzbekistan

[C]: The Committee regrets that, since the adoption of its concluding observations, the State party appears not to have taken any measures to bring counter-terrorism legislation and practices, including the overly broad definition of terrorism and terrorist activities, into full conformity with its obligations under the Covenant, and to ensure that persons suspected of, or charged with, terrorism or a related crime are provided in practice with all legal safeguards and are not subjected to arbitrary or unlawful restrictions of their rights or inhuman and degrading detention conditions. The Committee reiterates its recommendation.

Paragraph 13: Torture

The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 10) and urges the State party, as a matter of urgency, to amend its criminal legislation, including article 235 of its Criminal Code, with a view to ensuring that the definition of torture is in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant and is applied to acts committed by all persons acting in their official capacity, outside their official capacity or in a private capacity when the acts of torture are committed at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. The State party should also end the practice of granting amnesties to persons convicted of torture or ill-treatment, which is incompatible with its obligations under article 7 of the Covenant.

Summary of State party's reply

The definition of torture in article 235 of the Criminal Code fully meets the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and there is no need to amend the criminal legislation. Torture can be committed only by persons conducting an initial inquiry or pretrial investigation, procurators or other employees of law enforcement agencies or penal institutions. When committed by a person other than a law enforcement officer who acts at the instigation of or with the consent or acquiescence of a person conducting an initial inquiry or pretrial investigation or other official of a law enforcement agency, the actions will be classified as aiding and abetting torture or other cruel, inhuman or degrading treatment or punishment. If an offence of this nature is committed by a person other than a law enforcement officer (such as a private individual), then it is classified according to Criminal Code provisions concerning offences against health, such as article 104 (Intentional grievous bodily harm); article 105 (Intentional moderate bodily harm); article 109 (Intentional minor bodily harm); and article 110 (Torture) (chap. II, Offences against health, special section).

The Committee's recommendation to end the practice of granting amnesties to persons convicted of torture or ill-treatment is at variance with the general principles of non-discrimination. Pursuant to the principle of equal rights of citizens, an individual who committed torture may be pardoned by the court on the grounds set forth in legislation.

Committee's evaluation

[E]: The Committee regrets the State party's argument that the definition of torture in article 235 of its Criminal Code is fully compliant with article 1 of the Convention against Torture and that no amendments to its criminal legislation are necessary. The Committee reiterates its recommendation.

[E]: The Committee regrets the State party's erroneous application of the principle of non-discrimination to justify the admissibility of amnesty for persons convicted of torture or ill-treatment. The Committee reiterates its recommendation.

Paragraph 19: Forced labour

The State party should put an end to forced labour in the cotton and silk sectors, inter alia, by enforcing effectively the legal framework prohibiting child and forced labour, including by rigorously prosecuting those responsible for violations and by improving the working and living conditions in those sectors. The State party should also review its laws and practices to ensure financial transparency and address

corruption in the cotton industry and take all measures necessary to prevent deaths in connection with cotton harvesting, investigate thoroughly such cases when they occur and provide effective remedies, including adequate compensation, to victims' families.

Summary of State party's reply

A Coordinating Council on Child Labour has been established, comprising representatives of authorities, trade unions, employers' organizations, other civil society and international organizations.

The State party reiterates the information provided on child labour monitoring for 2014–2016 (see CCPR/C/UZB/Q/4/Add.1, para. 117).

In June 2015, a plan of action on the recruitment of cotton pickers and on prevention of the use of child labour and forced labour in cotton harvesting was approved. Awareness-raising activities were organized and monitoring of recruitment of workers during the cotton harvest was conducted by the Women's Committee, the Makhalla and Nuronii foundations and the Kamolot youth movement.

The 2015 monitoring covered some 1,100 entities across the 10 provinces. Some 9,620 interviews were conducted. Visits by the monitoring groups that included the State Legal Inspectorate of Labour confirmed the adequacy of awareness-raising activities on the prohibition of forced labour and employment of health-care workers and teachers during the cotton harvest.

The Coordinating Council on Child Labour established a feedback mechanism to, inter alia, deal with complaints. While some complaints had been received and investigated, no evidence of forced labour was found.

Inspectors visited some 254 cotton fields, and interviewed 1,456 cotton harvesters, 263 farmers and 7 children and identified no use of child or forced labour.

The International Labour Organization (ILO) mission report on the results of the monitoring and the effectiveness of the feedback mechanism noted the commitment towards prohibiting child and forced labour, the social unacceptability of such labour and public awareness of its inadmissibility.

Plans of action on improving working and employment conditions and social protection of rural workers for the period 2016 to 2018, and for the implementation of the ILO conventions concerning the prohibition against forced and child labour were approved on 5 January and 19 March 2016, respectively.

Committee's evaluation

[B]: The Committee notes the measures taken to eliminate forced labour in the cotton industry. However, it requires additional information on: (a) any further measures taken to reduce the risk of forced labour of adults and students above 16 years of age in the cotton harvest; (b) the impact of the two plans of action adopted in 2016 on improving working and employment conditions and social protection of rural workers for the period 2016 to 2018, and for the implementation in 2016 of the ILO conventions concerning the prohibition against forced and child labour, aimed at ending the forced labour in the cotton industry.

[C]: The Committee regrets that no information was provided on measures taken to ensure financial transparency and address corruption in the cotton industry nor to prevent deaths in connection with cotton harvesting and investigate thoroughly such cases and provide effective remedies, including adequate compensation, to victims' families. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 24 July 2018